



**Jammu and Kashmir State Information Commission**

(Constituted under Right to Information Act 2009)

Old Assembly Complex, Srinagar, Fax No. 0194-2484269, 2484262

Wazarat Road Near DC Office, Jammu, Fax No. 0191-2520947, 2520937

[www.jksic.nic.in](http://www.jksic.nic.in)

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File No: SIC/J/A/208/2013

Decision No: SIC/J/A/208/2013/508

Title:- Shiv Shanker Sharma  
V/s  
PIO Electric, M&RE Division Kathua

Jammu  
01-10-2013

This is a second appeal filed by Shri Shiv Shanker Sharma before this Commission on 23.8.2013. After receipt of said second appeal, the Registry of this Commission posted the appeal for hearing. Accordingly, FAA, PIO and the Appellant attended the hearing and all the three parties have been heard.

2. It has been seen that the appellant, being a resident of the State, exercising his right to information filed an RTI application before the PIO in the office of Executive Engineer, Electric Maintenance and RE Division Kathua which was sent by post on 24.4.2013. The PIO passed an order under No: KED/TS/RTI/867-68 dated 22.05.2013. It will be relevant to reproduce the information sought by the appellant because this will serve public interest and principle of transparency which is the back bone of this Act:

1. Whether your office has engaged Daily Wagers on need basis?
2. If so, provide me the detail of Daily Wagers working in your Division along with complete bio-data of each daily wager including Name, Father's Name, Residence, Qualification, and Authority for engagement.
3. Whether the wages of these daily wagers are being paid through Hand Receipts, Muster Sheets or any other manner? Please specify mode of payment.
4. Whether the wages of these daily wagers are being drawn against the funds allocation for new schemes/works or against the allocation for maintenance/repairs?

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5. Up to date amount of expenditure made for payment of wages to these daily wagers engaged on need basis.
6. Latest status of each Daily Wager so engaged after the issuance of Circular No: 09-GAD of 2013 dated: 26.03.2013.
3. The PIO's reply on point No: 1 was substantially given only with the exception of information regarding specific place of work and authority for engagement. The information on Point No 3 and 4 has been admittedly given to the satisfaction of appellant. Information on point No: 5 which is with regard to total amount of expenditure incurred under the scheme of payment of wages to these daily wagers on need basis is surprisingly shown nil. Similarly, information against point No: 6 which talks about latest status of each Daily wager has not been given. The PIO is directed to give latest status of each daily wager so engaged after the issuance of Circular No: 09 of Gad of 2013 dated: 26.03.2013. Details of such daily wagers which are engaged even after 26.3.2013 in accordance with the above circular be given in an affidavit duly attested by Notary, a copy of which be submitted to the Commission.
4. These points were raised in appeal and even before FAA vide Appellants first appeal dated: 11.6.2013. Unfortunately, the FAA not appreciating the import of his public authority as laid down in the Act under Section 16 has not appreciated the gravity of his responsibilities. This part of information is quite important so far as transparency and accountability is concerned. Therefore, in order to uphold the mandate of the Act this information should have been given without any reservation. PIO is directed to provide this information to the appellant within 15 days from the receipt of this order. He is also required to explain why penalty proceedings under Section 17 of the State RTI Act may not be initiated against him for not giving correct and complete information to the appellant. His reply, if any, must reach to this Commission within 15 days from the date of receipt of this order.

Sd/-

( G.R. Sufi )

J&K State Chief Information Commissioner

Copy to:-

1. First Appellate Authority, Electric Maintenance and RE Division Kathua.
2. Public Information Officer, Electric Maintenance and RE Division, Kathua.
3. Shri Shiv Shanker Sharma,
4. Private Secretary to Chief Information Commissioner
5. Guard File

( Khalid A. Shah )

Deputy Registrar

J&K State Information Commission, Jammu